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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/598,219

08/22/2006

Emanuel Cohen

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1808

7590

02/20/2008

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EXAMINER

NGUYEN, CAM LINH T

ART UNIT

PAPER NUMBER

2161

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DELIVERY MODE

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/598,219	<b>Applicant(s)</b> COHEN, EMANUEL	
	<b>Examiner</b> CAM-LINH NGUYEN	<b>Art Unit</b> 2161	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 22 August 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 August 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

### **DETAILED ACTION**

1. This Office Action is response to communication filed on 8/22/2006.
2. Claims 1 – 20 are currently pending.

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1 – 20 are rejected under 35 U.S.C. 102(b) as being anticipated by Walker et al (U.S. 5,862,223).

♦ As per claims 1, 10 - 11, 19,

Walker discloses a method for selecting at least one suitable candidate for a work position using performance data from each worker in a pool of existing workers, comprising:

- “ Inputting into a computer-implemented processing stage, for each worker in the pool of existing workers: corresponds to the step of storing information into the appropriate database including:

- “ A Personal Profile relating to a set of Personal Parameters”

corresponds to information in “Expert qualifications database 285” (See col. 14, lines 66 - col. 15, lines 7).

- “A Performance Profile” corresponds to information in “Expert database

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255” (See col. 14, lines 25 - 42).

- “Processing said Personal Profile and said Performance Profile of each of the ...rule” corresponds to the step of searching for expert based on expert profile and qualification, and using different search technique (See col. 20, lines 32 - col. 21, lines 3.)
- “Obtaining, for at least one candidate, a Personal Profile” See col. 25, lines 21 - 44.
- “Analyzing said Personal Profile from said at least one candidate, along ... said candidate” See col. 25, lines 53 - 55.

♦ As per claims 2, 20, Walker discloses:

- “Said Performance Profile is a Position Specific Performance Profile”  
corresponds to “respective subject areas of expertise (See col. 14, lines 25 – 42).

♦ As per claims 3 - 4, Walker discloses:

- “Performance Profile is based on the pool of the existing workers” See col. 21, lines 52 - 62.

♦ As per claims 5 - 6, Walker discloses:

The number of the existing workers in the pool is at least 30 - 40. This is a well-known technique in the art. The users can define their own choice of number of records in a database.

♦ As per claims 7 - 8, Walker discloses:

- “Comparing Computed Performance Rating for said candidate with Performance Profile for each worker” See col. 20, lines 32 - 39, 66 - col. 21, lines 3.

♦ As per claims 9, Walker discloses:

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- “Ranking said plurality of candidates” See col. 21, lines 52 - 62.
- ♦ As per claims 12 - 13, Walker discloses:
  - “Eliminating at least one parameter from said set of Personal Parameters” See Fig. 15.
- ♦ As per claims 14, Walker discloses:
  - “Performing an Employer's Evaluation” See col. 21, lines 52 - 62.
- ♦ As per claims 15 - 18, Walker discloses:
  - “Plurality of work positions” See col. 14, lines 25 - 67.

### ***Conclusion***

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.
- Chengxiang Zhai (U.S. 6,430,559 B1) discloses a method for profile score threshold setting and updating.
  - Puram et al (U.S. 6,289,340 B1) discloses a consultant matching system and method for selecting candidates from a candidate pool by adjusting skill values.
6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to CamLinh Nguyen whose telephone number is (571) 272 - 4024. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Apu Mofiz can be reached on (571) 272 - 4080. The fax phone number for the organization where this application or proceeding is assigned is 571 - 273 - 8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/CamLinh Nguyen/  
Primary Examiner, Art Unit 2161